

ENTERED

October 16, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

§

Plaintiff,

§

VS.

§

2.574 ACRES OF LAND, more or less, in
STARR COUNTY, TEXAS; OCIEL
MENDOZA; MARTHA N. MENDOZA;
DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE; and
AMEIDA SALINAS, STARR COUNTY
TAX ASSESSOR-COLLECTOR,

§

§ CIVIL ACTION NO. 7:20-cv-00253

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§

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Defendants.

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ORDER

The Court now considers “Defendant’s Motion for Leave to Late File Defendant, Martha Mendoza’s, Disclosure of Interested Parties”¹ and its exhibit.² This Court’s “Order for Conference and Disclosure of Interested Parties” issued on September 1, 2020, and ordered parties to “file with the clerk within fifteen days from receipt of this order a Disclosure of Interested Parties listing all persons, associations of persons, firms, partnerships, corporations, affiliates, parent corporations, or other entities that are financially interested in the outcome of this litigation.”³ Defendant Martha N. Mendoza executed a “Waiver of Service of Judicial Process” on September 11, 2020.⁴ Nevertheless, Defendant Martha Mendoza states in the instant motion that, pursuant to the Court’s September 1, 2020 order, “[t]he deadline to file the

¹ Dkt. No. 13.

² Dkt. No. 14.

³ Dkt. No. 4 at 1, ¶ 2.

⁴ Dkt. No. 7.

Defendant's Disclosure of Interested Parties was on or before September 18, 2020.⁵ Defendant Mendoza further explains that, “[a]lthough Defendant's counsel prepared their Disclosure of Interested Parties, it was inadvertently not timely filed. Defendant, MARTHA MENDOZA, respectfully requests this Honorable Court grant her Motion for Leave to Late File her Disclosure of Interested Parties attached to this document as Exhibit ‘A’ so that Defendant is not prejudiced.”⁶

The Court admonishes Defendant Mendoza that when, as here, a motion is unopposed, it must “bear in [its] caption ‘unopposed.’”⁷ Furthermore, Defendant’s motion lacks numbered paragraphs entirely.⁸ The Court cautions Defendant that future submissions should consistently number each paragraph to properly comply with the Federal Rules of Civil Procedure.⁹ Finally, Defendant filed the motion, its exhibit, and its associated proposed order as separate docket entries.¹⁰ To avoid cluttering the Court’s docket, the Court cautions Defendant that future motions should include their exhibits and proposed orders as subparts of the motion in the electronic case filing system and should not be filed as independent docket entries.

Turning now to the merits of Defendant’s motion, assuming September 18th was Defendant Mendoza’s deadline to file her disclosure of interested parties, Defendant’s motion is twenty-six days past the deadline. Nevertheless, Plaintiff United States is not opposed to the motion. Accordingly, the Court **GRANTS** Defendant’s motion¹¹ and **ORDERS** Defendant

⁵ Dkt. No. 13 at 1.

⁶ *Id.*

⁷ LR7.2; *cf.* LR10.1.

⁸ See Dkt. No. 13.

⁹ FED. R. CIV. P. 7(b)(2) (“The rules governing captions and other matters of form in pleadings apply to motions and other papers.”); FED. R. CIV. P. 10(b) (emphasis added) (“A party must state its claims or defenses *in numbered paragraphs*, each limited as far as practicable to a single set of circumstances.”).

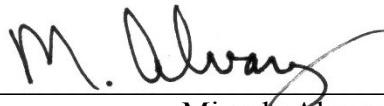
¹⁰ Dkt. Nos. 13–15.

¹¹ Dkt. No. 13.

Martha Mendoza to file her disclosure of interested parties¹² as a new docket entry. The Court cautions Defendant to meet the Federal Rule of Civil Procedure, this Court's Local Rules, and accord with this Court's orders in future submissions.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of October 2020.



Micaela Alvarez
United States District Judge

¹² Dkt. No. 14.